

**COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN**  
**State Board of Education Room**  
**NC Dept. of Public Instruction**  
**June 13, 2018**  
**Summary of Actions**

**Welcome, Call to Order, Introductions, Review of Agenda, Review of Summary of Actions (December 2017 and March 2018)**

Leanna George, Chairperson, called the meeting to order. Council members provided self-introductions. Members were asked to review the agenda and the December and March Summary of Actions. The December and March Summary of Actions were approved. Some of the newly appointed positions were in attendance even though their term doesn't officially start until July 1, 2018.

The December 2017 and March 2018 Summary of Actions were approved since there was a quorum.

**Endrew**

Carol Ann Hudgens, Section Chief of the Policy, Monitoring and Audit Section, presented information regarding the Endrew case (Endrew F. vs Douglas County School District). Endrew related to a dispute regarding a student with Autism and the parents believing the IEP was basically providing the child with the same program year after year; the parents placed the child in a private school, was seeking private school reimbursement and thereby challenged the school system on FAPE. The child showed progress in the private school setting, especially regarding behavior.

The parents followed the "chain of dispute resolution" and via Due Process, the 10<sup>th</sup> Circuit Court ruled that students are entitled to "de-minimus" educational benefit, meaning any progress is acceptable.

The parents appealed to the Supreme Court which over turned the 10<sup>th</sup> Circuit Court decision. The Supreme Court determined that "to meet its substantive obligation under the IDEA, a school must offer an IEP that is reasonably calculated to enable a child to make progress in light of the child's circumstances", which is somewhat vague in reality. The case was remanded back to District Court. In February 2018, a judge ordered reimbursement for cost of private school and associated transportation costs.

Because of the ruling, LEAs and SEAs began to take a second look at IEPs via "reasonably calculated" progress. There is not an evaluation matrix that is applicable to all EC children. There is no one rate of progress for all EC children. LEAs must implement policies, procedures and practices to identify present levels of performance, set measurable goals and how progress toward the goals will be measured and reported for each child with a disability.

Nationally, there have been 501 cases that have applied the Endrew standard and NC had three cases.

Council members commented that DPI does not have guidance when there are varying data points on an individual student; asked if PowerSchool had an option to hold progress goals (PowerSchool is not currently setup to monitor IEP goal progress). There needs to be a good balance between frequent reporting, special education teacher time to report/enter progress, and more support for teachers to collect data.

Council asked about what type of information is going out to parents regarding Endrew? The EC Division is partnering with ECAC to offer parent training, restructuring of IEP forms and offering training at the November EC Conference.

**Technical Changes to Policies**

Carol Ann Hudgens continued her presentation. The US Dept. of Education made changes/updates to the Individuals with Disabilities Education Act (IDEA) regulations website. It appears the website is now more user-friendly with a law and policy tab containing regulatory language

and information for parents as well. Also, all federal agencies were required to review their websites, especially for guidance documents to determine relevancy and sunset outdated information or issue a more current, relevant version. An example of this is service animal guidance for students with disabilities.

Federal Register – advises on the “how to” of the IDEA regulations. The regulation changes always include public comment. The public comment with the federal responses are incorporated into the federal register. IDEA reauthorization from 2004 took until 2006 for the federal register to be published. Inserts / additional documents have been occurring since 2006.

A summary of federal register updates were:

April 2015 – Maintenance of Effort

December 2016 – Significant Disproportionality

June 2017 – Every Student Succeeds Act (ESSA)

July 2017 – Rosa’s Law

HB 149 Dyslexia is the NC General Assembly’s response to parent advocacy groups relating to the appropriate delivery of instruction to students with dyslexia. Dyslexia is a type of learning disability that must be addressed. HB 149 contained four main parts: 1-definition; 2-ongoing PD for identification and interventions; 3-SBE should make resources available; and 4-LEAs must review diagnostics and screening to ensure age appropriateness, effectiveness and determine if additional tools are needed.

There were a few changes to *Policies* initiated by the EC Division. There was a terminology update from CIPP (Continuous Improvement Program Plan) to LEA Self-Assessment. The definition of Visual Impairment is now less restrictive.

### **Public Comments**

Since the March meeting, there have been four public comments: 1-requested Council look at IEPs more closely to make sure it’s being followed; 2-EC teachers spend a lot of time in IEP meetings during the day, leaving students with TAs/subs that are not aware of IEPs/needs of the students, requested Council look at solutions to allow staff working with students to be more knowledgeable; 3-student with IEP, elementary team was excellent, the middle school is not as focused on child’s needs, parent requests advocacy for holistic approaches; and 4-situation beginning in 2015, proactive in requesting meetings regarding behavior issues, meetings never occurred, student constantly being suspended, medication suggested by school, child is currently in state residential treatment program, parents advises IEPs are legal documents that need to be followed.

### **Agency Update**

Sherry Thomas, Assistant Exceptional Children Director, gave updates on:

Medicaid – in working with DMA (Division of Medical Assistance with the Dept. of Health and Human Services), the legislature approved to expand Medicaid funding relative to exceptional children. It now includes students with 504 plans, expands transportation billing (some details still being worked out), screenings/evaluations and looks at the roles of school counselors. LEAs can now bill for individual health plans, 504s and behavior intervention plans. This puts more money back in the LEA.

Mental Health – bill closely mirrors SBE policy to focus on school mental health. EC Division hopes this will move forward. School Mental Health Initiative (SMHI) applied for a large federal grant that, if received, will provide support and training to LEA staff on mental health.

There was a Joint Legislative Education Oversight Committee (JLEOC) meeting on a joint study between DPI and DHHS regarding K-12 students with disabilities overlapping services and looking at students with more significant cognitive disabilities.

Budget – assume it passed today. \$5.1 million dollar cut to DPI this year. All operations that could have been cut were cut last year based on last year’s \$3.1 million reduction requirement. This year’s reduction will clearly effect staff. There are more schools to support with less staff. The efficiency of DPI recommended more integration and collaboration of services, recommended outsourcing of

IT services and made recommendation of using Zendesk for tier 1 ECATS assistance. Positives were the PD calendars for LEAs.

ECATS - projected to go dark Friday at 5:00 pm. One system, Wake Co, has the majority of year round schools, still moving forward. Will keep you posted on target dates.

Bill Hussey announced he is retiring November 1.

## **Committee Reports**

### Unmet Needs

Committee still trying to find ways to receive data besides incoming public comments in order to determine biggest unmet needs in state; committee did secure data from ECAC. A suggestion for data included dispute resolution summary presentation from Directors Institute and contacting LEA parent/advisory councils. One unmet need is parent training on ECATS/ECATS training.

### Reports/Data

Committee looking at End of Year disability reports – December and April counts; 1.86% increase of SWD, will look at graduates; LEAs requesting technical assistance from DPI and what type of technical assistance needed; continuing to work on disproportionality project; would like to collect post-secondary outcome data; 1% alternative assessments data – secure from DPI.

### Procedures

Transportation needs / inadequacies for special ed vs general ed students with seizure conditions; concerns with safety – passing of school buses, etc; EC rep on school safety advisory committees should be routine for fire and school shooting procedures. School improvement teams should include reaching out to parents; encourage all LEAs to have EC parents as part of team.

### Annual Report

The SBE specifically requested the Council make specific recommendations in this year's report. The Executive Committee will draft a report with some of the same content along with committee summary. Some of the recommendation ideas to include in this year's report are:

- Recommendation to LEA Superintendents for inclusion of special education teacher and EC parent on school improvement teams and/or advisory committees
- Tiered system of support for students with disabilities when evacuating schools
- Reinstate State Superintendent Parent Advisory Council with EC representation
- Students with significant cognitive disabilities need an appropriate, meaningful assessment. What's in place now is not working. (Dynamic Learning Maps is an example.)
- LEAs tiered mental health support plan does not address students with disabilities.

(Next year recommendation) Transportation more equitable – need to collect data; compliance aspect with contractors, sub driver awareness/info/accountability/oversight; could be a FAPE issue for LEA. DOT/Transportation at DPI – current requirements for LEA school buses vs contracted buses. Which districts have security camera/GPS installed? Suggested possible transportation session at EC Conference.

### **Future ideas for Council include:**

DPI Update on revisions of *Extend1* content standards. Graduate from OCS but “not quite there yet” to get a job – data on OCS post graduation; certificate vs diploma; are they equipped (skills/socially) to obtain a job.

New requirement of teachers passing Pearson assessment – need data on teachers lost due to Pearson subject-assessments (Math in particular). This is a money making opportunity for Pearson. Collect data from Pearson. How? Criteria?

Teacher evaluation form for adaptive PE teachers – doesn't really match teacher activities. Charter Schools not required to comply with state-mandated teacher evaluation tool. LEAs have looked at tool, helped administrators understand tool, and what they should be looking for and explain what it would look like in EC classroom (and adaptive PE teachers).

PowerSchool – is there something easy for self-contained teacher to communicate with parents more efficiently without taking up teacher time.

### **Announcements**

- Vicki Simmons was thanked for her service and was presented with a certificate of appreciation.
- Vice Chair recommendation: Cynthia Daniels-Hall and Diane Coffey were nominated. A vote was taken, Cynthia Daniels-Hall was elected Vice Chair.